

# House Daily Reader

**Tuesday, February 01, 2000**

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# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

400D0333

## HOUSE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **HB1028** - 1/27/00

Introduced by: The Committee on Health and Human Services at the request of the Department of Commerce and Regulation

1 FOR AN ACT ENTITLED, An Act to permit the provision of certain drugs and drug samples  
2 by physician assistants, nurse practitioners, and nurse midwives.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-4A-22 be amended to read as follows:

5 36-4A-22. Specifically, and by way of limitations, an assistant to the primary care physician  
6 may:

7 (1) Take a complete, detailed, and accurate history; do a complete physical examination,  
8 when appropriate, to include pelvic and breast examinations specifically excluding  
9 endoscopic examinations; record pertinent data in acceptable medical form; and, if the  
10 physical examination is for participation in athletics, certify that the patient is healthy  
11 and able to participate;

12 (2) Perform or assist in the performance of the following routine laboratory and  
13 governing techniques:

14 (a) The drawing of venous or peripheral blood and the routine examination of the  
15 blood;

16 (b) Urinary bladder catheterization and routine urinalysis;

- 1 (c) Nasogastric intubation and gastric lavage;
- 2 (d) The collection of and the examination of the stool;
- 3 (e) The taking of cultures;
- 4 (f) The performance and reading of skin tests;
- 5 (g) The performance of pulmonary function tests excluding endoscopic
- 6 procedures;
- 7 (h) The performance of tonometry;
- 8 (i) The performance of ~~audiometry~~ hearing screenings;
- 9 (j) The taking of EKG tracings;
- 10 (3) Make a tentative medical diagnosis and institute therapy or referral; to prescribe
- 11 ~~medication and provide drug samples or a limited supply of labeled medications,~~
- 12 including controlled drugs or substances listed on Schedule II in chapter 34-20B for
- 13 one period of not more than forty-eight hours, for symptoms and temporary pain
- 14 relief; to treat common childhood diseases; to assist in the follow-up treatment of
- 15 geriatric and psychiatric disorders referred by the physicians. Medications or sample
- 16 drugs provided to patients shall be accompanied with written administration
- 17 instructions and appropriate documentation shall be entered in the patient's medical
- 18 record;
- 19 (4) Perform the following routine therapeutic procedures:
- 20 (a) Injections;
- 21 (b) Immunizations;
- 22 (c) Debridement, suture, and care of superficial wounds;
- 23 (d) Debridement of minor superficial burns;
- 24 (e) Removal of foreign bodies from the external surface of the skin (specifically
- 25 excluding foreign bodies of the cornea);

- 1 (f) Removal of sutures;
- 2 (g) Removal of impacted cerumen;
- 3 (h) Subcutaneous local anesthesia, excluding any nerve blocks;
- 4 (i) Strapping, casting, and splinting of sprains;
- 5 (j) Anterior nasal packing for epistaxis;
- 6 (k) Removal of cast;
- 7 (l) Application of traction;
- 8 (m) Application of physical therapy modalities;
- 9 (n) Incision and drainage of superficial skin infections;
- 10 (5) Assist the primary care physician in health maintenance of his patients by:
  - 11 (a) Well-baby and well-child clinics to include initial and current booster
  - 12 immunization for communicable disease;
  - 13 (b) Pre- and post-natal surveillance to include clinics and home visits;
  - 14 (c) Family planning, counseling, and management;
- 15 (6) Institute emergency measures and emergency treatment or appropriate measures in
  - 16 situations such as cardiac arrest, shock, hemorrhage, convulsions, poisonings, and
  - 17 emergency obstetric delivery. Emergency measures includes writing a chemical or
  - 18 physical restraint order when the patient may do personal harm or harm others;
- 19 (7) Assist the primary care physician in the management of long-term care to include:
  - 20 (a) Ordering indicated laboratory procedures;
  - 21 (b) Managing a medical care regimen for acute and chronically ill patients within
  - 22 established standing orders. (Prescription of modifications needed by patients
  - 23 coping with illness or maintaining health, such as in diet, exercise, relief from
  - 24 pain, medication, and adaptation to handicaps or impairments);
  - 25 (c) Making referrals to appropriate agencies;

- (8) Assist the primary care physician in the hospital setting by arranging hospital admissions under the direction of the physician, by accompanying the primary care physician on rounds, and recording the physician's patient progress notes; by accurately and appropriately transcribing and executing specific orders at the direction of the physician; by assistance at surgery; by compiling detailed narrative and case summaries; by completion of the forms pertinent to the patient's medical record;
- (9) Assist the primary care physician in the office in the ordering of drugs and supplies, in the keeping of records, and in the upkeep of equipment;
- (10) Assist the primary care physician in providing services to patients requiring continuing care (nursing home, extended care, and home care) including follow-up visits after the initial treatment by the physician;
- (11) Assist the primary care physician in the completion of official documents such as death certificates, birth certificates, and similar documents required by law, including signing the documents;
- (12) Take X-rays to be read by a physician. A physician's assistant may not administer injections in conjunction with the taking of any X-rays.

Section 2. That § 36-9A-12 be amended to read as follows:

36-9A-12. A nurse practitioner may perform the following overlapping scope of advanced practice nursing and medical functions pursuant to § 36-9A-15, including:

- (1) The initial medical diagnosis and the institution of a plan of therapy or referral;
- (2) The prescription and provision of drug samples or a limited supply of labeled medications, including controlled drugs or substances listed on Schedule II in chapter 34-20B for one period of not more than forty-eight hours, for treatment of causative factors and symptoms. Medications or sample drugs provided to patients shall be accompanied with written administration instructions and appropriate documentation

1       shall be entered in the patient's medical record;

2       (3)   The writing of a chemical or physical restraint order when the patient may do personal  
3       harm or harm others;

4       (4)   The completion and signing of official documents such as death certificates, birth  
5       certificates, and similar documents required by law; and

6       (5)   The performance of a physical examination for participation in athletics and the  
7       certification that the patient is healthy and able to participate in athletics.

8       Section 3. That § 36-9A-13 be amended to read as follows:

9       36-9A-13. A nurse midwife may perform the following overlapping scope of advanced  
10      practice nursing and medical functions pursuant to § 36-9A-15, including:

11      (1)   Management of the prenatal and postpartum care of the mother-baby unit;

12      (2)   Management and direction of the birth;

13      (3)   Provision of appropriate health supervision during all phases of the reproductive life  
14      span to include family planning services, menopausal care, and cancer screening and  
15      prevention; and

16      (4)   Prescription and provision of drug samples or a limited supply of appropriate labeled  
17      medications for individuals under the nurse midwife's care pursuant to the scope of  
18      practice defined in this section, including controlled drugs or substances listed on  
19      Schedule II in chapter 34-20B for one period of not more than forty-eight hours.

20      Medications or sample drugs provided to patients shall be accompanied with written  
21      administration instructions and appropriate documentation shall be entered in the  
22      patient's medical record.

1    **BILL HISTORY**

2    1/11/00 First read in House and referred to Health and Human Services. H.J. 17

3    1/19/00 Scheduled for Committee hearing on this date.

4    1/19/00 Health and Human Services Do Pass Amended, Failed, AYES 6, NAYS 5.

5    1/21/00 Scheduled for Committee hearing on this date.

6    1/26/00 Scheduled for Committee hearing on this date.

7    1/26/00 Health and Human Services Do Pass Amended, Passed, AYES 8, NAYS 4. H.J. 242

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

400D0331

## HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1030** - 1/31/00

Introduced by: The Committee on Transportation at the request of the Department of  
Commerce and Regulation

1 FOR AN ACT ENTITLED, An Act to define the duties of a motor carrier enforcement officer  
2 and to revise certain provisions regarding motor carrier inspectors.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-2-7 be amended to read as follows:

5 32-2-7. Agents, ~~patrolmen,~~ patrol officers, motor carrier enforcement officers, and motor  
6 carrier inspectors, ~~and employees~~ of the Department of Commerce and Regulation shall assist  
7 in the enforcement of all laws, police regulations, and rules governing motor vehicles and motor  
8 carriers over and upon the highways of this state. The agents, ~~patrolmen,~~ patrol officers, motor  
9 carrier enforcement officers, and motor carrier inspectors, ~~and employees~~ may stop any vehicle  
10 or carrier to examine, measure, or weigh the vehicle and its load and to withdraw and inspect any  
11 fuel being transported by the vehicle or used to propel the vehicle. The agents, ~~patrolmen,~~ patrol  
12 officers, motor carrier enforcement officers, and motor carrier inspectors, ~~and employees~~ may  
13 examine any bill-of-lading, registration, license, or permit to determine if the motor carrier is  
14 properly registered, licensed, or permitted and if the load transported is an amount permitted by  
15 the commercial motor vehicle license issued to the carrier.

16 Section 2. That § 32-2-8 be amended to read as follows:



1        32-2-8. ~~It shall be the duty of agents, patrolmen~~ Agents, patrol officers, motor carrier  
2 enforcement officers, and motor carrier inspectors of the ~~Division of Highway Patrol to~~  
3 Department of Commerce and Regulation shall place violators of any of the laws or police  
4 regulations of this state, governing operation of motor vehicles or motor carriers, under arrest  
5 without warrant for criminal offenses committed in the presence of ~~any such~~ the agent, ~~patrolman~~  
6 patrol officer, motor carrier enforcement officer, or motor carrier inspector, and take the violator  
7 and the vehicle which does not conform to such laws or regulations to the nearest convenient  
8 circuit court or magistrate court for trial at the earliest opportunity.

9        Section 3. That § 32-9-3.1 be amended to read as follows:

10       32-9-3.1. Any motor vehicle or trailer owned and operated by a resident or a nonresident  
11 engaged in the harvest of agricultural products may be operated upon the highways, roads, and  
12 streets of this state upon payment of a seventy-five dollar fee. Payment of the fee shall be  
13 evidenced by a sticker provided by the department affixed in a conspicuous place on the vehicle  
14 as the department may require.

15       The stickers, which are valid for a calendar year, shall be purchased from the county treasurer  
16 of any county through which the owner or operator may travel; or from an agent, patrol officer,  
17 motor carrier enforcement officer, or motor carrier inspector ~~at a port of entry, or any other~~  
18 ~~agent designated by~~ of the department Department of Commerce and Regulation. All fees  
19 collected shall be handled, accounted for, and distributed in the same manner as the other fees  
20 provided for in this chapter. A violation of this section is a Class 2 misdemeanor.

21       Section 4. That § 32-9-23.2 be amended to read as follows:

22       32-9-23.2. ~~Whenever~~ If a motor carrier in intrastate commerce ~~shall elect~~ elects to pay the  
23 commercial motor vehicle fee pursuant to § 32-9-23.1, ~~such~~ the carrier shall make application  
24 to an agent, patrol officer, motor carrier enforcement officer, or motor carrier inspector ~~at a port~~  
25 ~~of entry, or such other agents as may be designated by~~ of the department Department of

1 Commerce and Regulation.

2 Section 5. That § 32-9-23.5 be amended to read as follows:

3 32-9-23.5. Upon payment of the permit fee set forth in § 32-9-23.1, the carrier shall be issued  
4 a receipt which shall be the permit to move such vehicle pursuant to ~~said~~ the permit. The carrier  
5 shall retain the receipt or permit in ~~his~~ the carrier's possession for display upon demand of any  
6 ~~peace agent, patrol officer, motor carrier enforcement officer, or motor carrier inspector at a port~~  
7 ~~of entry, or designated agent of the department~~ Department of Commerce and Regulation.

8 A violation of this section is a Class 2 misdemeanor.

9 Section 6. That § 49-28-36.8 be amended to read as follows:

10 49-28-36.8. Upon payment of the single trip fee, as provided by § 49-28-36.6, the motor  
11 carrier shall be issued a receipt which shall be the trip permit. The carrier shall retain the permit  
12 in ~~his~~ the carrier's possession for display upon demand of any ~~peace agent, patrol officer, motor~~  
13 ~~carrier enforcement officer, or motor carrier inspector at a port of entry or designated agent of~~  
14 the Department of Commerce and Regulation. A violation of this section is a Class 2  
15 misdemeanor.

1    **BILL HISTORY**

2    1/11/00 First read in House and referred to committee assignment waived. H.J. 17

3    1/12/00 Referred to Commerce. H.J. 33

4    1/15/00 Scheduled for Committee hearing on this date.

5    1/16/00 Scheduled for Committee hearing on this date.

6    1/18/00 Scheduled for Committee hearing on this date.

7    1/18/00 Commerce Do Pass, Passed, AYES 12, NAYS 0. H.J. 108

8    1/19/00 Referred to Commerce. H.J. 149

9    1/27/00 Scheduled for Committee hearing on this date.

10   1/27/00 Commerce Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 282

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

905D0524

## HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1111** - 1/31/00

Introduced by: Representatives Hunt, Apa, Duniphan, Engbrecht, Fitzgerald, McCoy, McIntyre, Michels, Sutton (Duane), Wilson, and Young and Senators Olson, Flowers, Lawler, and Munson (David)

1 FOR AN ACT ENTITLED, An Act to prohibit an adult from purchasing alcoholic beverages  
2 for anyone under the age of twenty-one and to establish a penalty.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Except as provided in §§ 35-9-1 and 35-9-1.1, it is a Class 1 misdemeanor for any person  
7 twenty-one years of age or older to purchase or otherwise acquire alcoholic beverages from a  
8 retail establishment and to give or resell the alcoholic beverages to any person under the age of  
9 twenty-one years.

1    **BILL HISTORY**

2    1/18/00 First read in House and referred to committee assignment waived. H.J. 114

3    1/19/00 Referred to Judiciary.

4    1/28/00 Scheduled for Committee hearing on this date.

5    1/28/00 Judiciary Do Pass Amended, Passed, AYES 10, NAYS 1. H.J. 284

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

337D0384

## HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1127** - 1/31/00

Introduced by: Representatives Monroe, Davis, Diedtrich (Elmer), Fischer-Clemens, Hunt, Koehn, Kooistra, McCoy, Patterson, and Sutton (Duane) and Senators Symens, Flowers, Kleven, Moore, and Vitter

1 FOR AN ACT ENTITLED, An Act to authorize the assignment of health insurance proceeds  
2 to health care providers.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 58-17-61 be amended to read as follows:

5 58-17-61. Any person insured by a health insurance company, health maintenance  
6 organization, preferred provider organization, individual practice association, or nonprofit  
7 hospital service corporation may assign in writing benefits from such policy, contract, or  
8 certificate to a ~~hospital~~ health care facility licensed pursuant to chapter 34-12 or health care  
9 provider whose practice is listed in § 58-17-54. If such assignment is executed and written notice  
10 thereof is given, the insurance company, health maintenance organization, preferred provider  
11 organization, individual practice association, or nonprofit hospital service corporation shall pay  
12 the benefits directly to the ~~hospital~~ health care facility or health care provider whose practice is  
13 listed in § 58-17-54.

14 Nothing in this section modifies the scope of coverage or the amount of benefits payable  
15 under a health insurance policy, contract, or certificate.

1    **BILL HISTORY**

2    1/18/00 First read in House and referred to Commerce. H.J. 117

3    1/25/00 Scheduled for Committee hearing on this date.

4    1/27/00 Scheduled for Committee hearing on this date.

5    1/27/00 Commerce Do Pass Amended, Passed, AYES 11, NAYS 1. H.J. 283

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

626D0523

## HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1142** - 1/31/00

Introduced by: Representatives Volesky, Apa, Duniphan, Engbrecht, Fitzgerald, Sutton  
(Duane), and Young and Senators Whiting, Flowers, Lawler, Munson (David),  
and Olson

1 FOR AN ACT ENTITLED, An Act to increase the penalty for persons under the age of twenty-  
2 one to illegally purchase, attempt to purchase, possess, or consume alcoholic beverages.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 35-9-2 be amended to read as follows:

5 35-9-2. It is a ~~Class 2~~ Class 1 misdemeanor for any person under the age of twenty-one  
6 years, but over the age of seventeen years, to purchase, attempt to purchase, or possess or  
7 consume alcoholic beverages except ~~when~~ if consumed in a religious ceremony and given to ~~said~~  
8 the person by an authorized person, or. It is a Class 1 misdemeanor for any person under the age  
9 of twenty-one years, but over the age of seventeen years, to misrepresent ~~his~~ the person's age  
10 with the use of any document for the purpose of purchasing or attempting to purchase alcoholic  
11 beverages from any licensee licensed under this title.

12 Section 2. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 It is a Class 2 misdemeanor for any person under the age of eighteen years to purchase,  
15 attempt to purchase, or possess or consume alcoholic beverages except if consumed in a



1 religious ceremony and given to the person by an authorized person. It is a Class 2 misdemeanor  
2 for any person under the age of eighteen years to misrepresent the person's age with the use of  
3 any document for the purpose of purchasing or attempting to purchase alcoholic beverages from  
4 any licensee licensed under this title.

1    **BILL HISTORY**

2    1/19/00 First read in House and referred to Judiciary. H.J. 130

3    1/28/00 Scheduled for Committee hearing on this date.

4    1/28/00 Judiciary Do Pass Amended, Passed, AYES 10, NAYS 1. H.J. 285

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

282D0050

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB1150** - 1/28/00

Introduced by: Representatives Diedtrich (Elmer), Burg, Cerny, Chicoine, Clark, Crisp, Diedrich (Larry), Duenwald, Engbrecht, Fryslie, Hanson, Juhnke, Kazmerzak, Koehn, Lintz, McCoy, Munson (Donald), Slaughter, Sutton (Duane), and Weber and Senators Brown (Arnold), Benson, Brosz, Drake, Duxbury, Flowers, Kloucek, Lawler, Madden, Moore, Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to clarify the definition of value added agriculture.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 1-16G-27 be amended to read as follows:

4 1-16G-27. The Board of Economic Development shall administer the value added agriculture  
5 subfund; and make grants or loans from the value added agriculture subfund. The value added  
6 agriculture subfund shall be used to develop and promote value added agriculture in South  
7 Dakota including the initial or subsequent production, use, or processing of any form of  
8 agricultural commodity, product, or by-product in this state. Value added agriculture includes  
9 a process that, by mechanical, chemical, or biological means, changes an agricultural product into  
10 another agricultural or nonagricultural product that has economic value. For projects which  
11 involve a separate agricultural research component, the Board of Economic Development shall  
12 consult with the research services of South Dakota State University.

1    **BILL HISTORY**

2    1/19/00 First read in House and referred to Agriculture and Natural Resources. H.J. 132

3    1/27/00 Scheduled for Committee hearing on this date.

4    1/27/00 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 12, NAYS 0.

5    H.J. 264

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

291D0442

## HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1155** - 1/27/00

Introduced by: Representatives Wetz, Brooks, Crisp, Derby, Duenwald, Jaspers, Kazmerzak, Lintz, McNenny, and Sebert and Senators Benson, Drake, Kleven, Kloucek, Reedy, Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to exempt certain not for hire livestock hauling activities  
2 from certain motor carrier and commercial vehicle requirements.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-9-3 be amended to read as follows:

5 32-9-3. For the purposes of this chapter, the following do not come within the definition of  
6 "motor carriers" or "commercial vehicles" if used in intrastate operations:

7 (1) A motor vehicle registered in South Dakota used to carry private business property  
8 of five hundred pounds or less;

9 (2) A motor vehicle chassis registered in South Dakota on which is mounted a  
10 cornsheller, grain cleaner, feed grinder, grain and alfalfa feed mixing machine,  
11 haystack mover, sawmill, water well drilling equipment, power shovel, ditchdigger,  
12 mobile crane which exceeds the maximum size or weight limits prescribed by chapter  
13 32-22, drag line, posthole auger, and which is not used for demonstration or display  
14 purposes outside the limits of a municipality, or a truck tractor and trailer carrying  
15 permanently mounted hay grinding equipment;

- 1       (3) Any motor vehicle registered in South Dakota used for the transportation of liquid or  
2       solid livestock waste including trailers and equipment used to load liquid or solid  
3       livestock waste and any vehicle registered in South Dakota used for the application,  
4       distribution, spraying, or transportation from retail business to user of dry, liquid, or  
5       anhydrous ammonia fertilizers or agricultural chemicals;
- 6       (4) A motor vehicle registered in South Dakota of less than thirty thousand pounds gross  
7       weight owned by a merchant licensed under chapter 10-45 or ~~his~~ the merchant's  
8       commissioned paid employee and used to transport the merchant's previously sold  
9       merchandise to a purchaser outside the limits of a municipality and to return  
10      exchanged property or to transport fuels to a purchaser within a municipality or an  
11      unincorporated town which is without such service;
- 12      (5) A motor vehicle registered in South Dakota, owned by a farmer of this state and used  
13      by or for the farmer to transport property for ~~his~~ the farmer's farming operation, to  
14      transport farm property from farm to farm or from a community or market to ~~his~~ the  
15      farm or from ~~his~~ the farm to a community or market, to transport ~~fifteen or less head~~  
16      of livestock in a vehicle or combination of vehicles registered at twenty-six thousand  
17      pounds or less without monetary compensation, or to transport farm property when  
18      the vehicles are used as reimbursement in the ordinary exchange of farm work ~~if the~~  
19      ~~provisions of § 49-28-8.2 are met;~~
- 20      (6) A motor vehicle registered in South Dakota operated by or for its owner and  
21      exclusively used to transport products originating in or produced from logging or  
22      mining operations or lumber milling waste products if such products are owned in fee  
23      by the motor vehicle owner;
- 24      (7) Except as provided in § 32-9-3.3, any motor vehicle, trailer, semitrailer, motor  
25      propelled, or trailed vehicle chassis registered in South Dakota, which is used for

highway construction or for the construction of stock water dugouts, dams, farm and ranch irrigation systems, or other soil and water conservation projects on farms and ranches and used exclusively on the job site. Such equipment may move between job sites or from job site to a central location;

(8) A motor vehicle used principally for providing prearranged transportation of persons to or from their place of employment and is operated by a person who does not drive the vehicle for ~~his~~ the person's principal occupation, but is driving it only to or from ~~his~~ the person's principal place of employment or for personal use as permitted by the owner of the vehicle;

(9) A motor vehicle that is not for hire and is operated solely for educational purposes by a student or an instructor as part of a heavy motor vehicle or heavy equipment operator's course offered by a nonprofit postsecondary institution located in the state;

(10) A motor vehicle used for personal purposes and not operated for private business use;

(11) A motor vehicle used for recreational purposes and not operated for private business use;

(12) A motor vehicle, trailer, semitrailer, motor propelled, or trailed vehicle chassis, registered in South Dakota and used to move equipment involved in soil and water conservation projects or township road work when operated between job sites or from a job site to a central location or point of repair;

(13) Any motor vehicle used by an implement dealer to transport farm machinery to and from a county fair or the state fair;

(14) A motor vehicle owned by a licensed motor vehicle dealer and used to transport inventory replacement vehicles to the dealer's principal place of business. For the purpose of this subdivision, motor vehicle does not include any motor vehicle which carries inventory replacement vehicles entirely upon its own structure.

1    **BILL HISTORY**

2    1/19/00 First read in House and referred to Transportation. H.J. 133

3    1/24/00 Scheduled for Committee hearing on this date.

4    1/26/00 Scheduled for Committee hearing on this date.

5    1/26/00 Transportation Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 250



# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

463D0506

## HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1190** - 1/31/00

Introduced by: Representatives Fischer-Clemens, Haley, Lucas, and Roe and Senators Moore, Hutmacher, and Paisley

1 FOR AN ACT ENTITLED, An Act to repeal the specific time period that an insurance agent  
2 involved in certain crimes must wait before seeking licensure.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 58-30-23 be amended to read as follows:

5 58-30-23. Any individual licensed as an agent shall be trustworthy, of good character and  
6 reputation as to morals, integrity, and financial responsibility, and may not have been convicted  
7 of, or have pled guilty or nolo contendere to, a felony or of any crime involving moral turpitude.  
8 The director of the Division of Insurance may waive the restriction relating to conviction of, or  
9 plea of guilty or nolo contendere to, a felony ~~if three years have elapsed since completion of the~~  
10 ~~sentence imposed by the court in connection with the violation~~ or crime involving moral  
11 turpitude upon determining, pursuant to § 58-30-23.1, that the individual has been sufficiently  
12 rehabilitated.

1    **BILL HISTORY**

2    1/19/00 First read in House and referred to committee assignment waived. H.J. 139

3    1/20/00 Referred to Commerce.

4    1/27/00 Scheduled for Committee hearing on this date.

5    1/27/00 Commerce Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 283

6    1/27/00 Commerce Place on Consent Calendar.

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

400D0668

## HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1206** - 1/31/00

Introduced by: Representatives Broderick, Apa, Duniphan, and Michels and Senators Shoener and Vitter

1 FOR AN ACT ENTITLED, An Act to prohibit the possession of certain highway markers, signs,  
2 or control devices.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 31-28-23 be amended to read as follows:

5 31-28-23. No person may, intentionally, without lawful authority, attempt or actually alter,  
6 deface, injure, knock down, remove, possess, or in any manner molest or interfere with any  
7 official highway marker, sign, guide board, traffic-control device or any railroad sign or signal,  
8 barrier, warning device, or sign erected in connection with highway maintenance or construction  
9 activities. A violation of this section is a Class 1 misdemeanor.

1    **BILL HISTORY**

2    1/19/00 First read in House and referred to committee assignment waived. H.J. 142

3    1/20/00 Referred to Judiciary.

4    1/28/00 Scheduled for Committee hearing on this date.

5    1/28/00 Judiciary Do Pass Amended, Passed, AYES 8, NAYS 3. H.J. 285

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

813D0562

## HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB1236** - 1/28/00

Introduced by: Representatives Juhnke, Brooks, Brown (Richard), McCoy, and Monroe and  
Senators Hutmacher, Benson, and Ham

1 FOR AN ACT ENTITLED, An Act to establish the South Dakota teacher incentive student loan  
2 repayment program and to make an appropriation therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act mean:

5 (1) "Applicant," any person who has applied for student loan repayment under the South  
6 Dakota teacher incentive student loan repayment program;

7 (2) "Department," the Department of Education and Cultural Affairs;

8 (3) "Program," the South Dakota teacher incentive student loan repayment program;

9 (4) "Student loan" or "loan," any loan for education purposes that meets the  
10 requirements of section 3 of this Act.

11 Section 2. The South Dakota teacher incentive student loan repayment program is hereby  
12 established. Under the program, any public or nonpublic school teacher who, after the effective  
13 date of this Act, begins teaching in South Dakota for the first time may receive an annual  
14 payment as provided in this Act from the department to pay a portion of qualifying student loans  
15 incurred in enrolling in and completing any postsecondary undergraduate or graduate degree that  
16 is directly related to the teacher's current teaching position.

1       Section 3. A qualifying student loan for the South Dakota teacher incentive student loan  
2       repayment program includes any federally insured student loan, any education loan provided by  
3       this or any other state, or any education loan from any private or public source. A loan is a  
4       qualifying loan if the applicant can document that the proceeds of the loan were paid to an  
5       educational institution for use in the completion of a postsecondary undergraduate or graduate  
6       degree that is directly related to the applicant's employment as a teacher in South Dakota.

7       Section 4. Under the program, a qualified applicant may receive an amount not to exceed  
8       fifty percent of the principal of cumulative qualifying student loans incurred by the applicant. The  
9       total amount of funds paid under the program to a qualifying applicant may not exceed fifteen  
10      thousand dollars, and disbursement to the applicant shall be divided into five equal annual  
11      payments. If the applicant ceases to be a teacher in this state, the applicant's remaining payments  
12      under the program are forfeited. No person may receive more than five payments under the  
13      program.

14      Section 5. The department shall promulgate rules pursuant to chapter 1-26 to administer the  
15      South Dakota teacher incentive student loan repayment program. The rules shall establish  
16      application requirements and procedures, procedures for the disbursement of funds, procedures  
17      for documenting the nature of education loans incurred by an applicant, procedures for verifying  
18      the applicant's eligibility for the program, and other procedures and requirements necessary to  
19      operate the program.

20      Section 6. The teacher incentive student loan repayment fund is hereby established in the  
21      state treasury. Any money in the fund shall be used to make disbursements under the program  
22      and to administer the program. Any interest earned on money in the fund shall be deposited into  
23      the fund. Money in the fund is continuously appropriated to the department to carry out the  
24      purposes of this Act.

1    **BILL HISTORY**

2    1/21/00 First read in House and referred to Education. H.J. 177

3    1/27/00 Scheduled for Committee hearing on this date.

4    1/27/00 Education Do Pass Amended, Passed, AYES 10, NAYS 2. H.J. 265